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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,173	02/11/2004	Lilian Labelle	01807.101314.	9925
5514 7590 02/02/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
JACOBS, LASHONDA T				
ART UNIT		PAPER NUMBER		
2457				
MAIL DATE		DELIVERY MODE		
02/02/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,173

Applicant(s)

LABELLE, LILIAN

Examiner

LASHONDA T. JACOBS

Art Unit

2457

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office action is in response to Applicant's Amendment filed on October 19, 2009. Claim 14 has been cancelled. Applicant newly adds claims 17-20. Claims 1-13 and 15-16 are presented for further examination. Claims 17-20 are presented for examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hijiri et al (hereinafter, "Hijiri", U.S. Pub. No. 2001/0020943) in view of Diedrich et al (hereinafter, "Diedrich", U.S. Pat. No. 6,336,143).

As per claims 1, 7 and 13, Hijiri discloses a method and a device of managing requests in at least two distinct classes, relating to multimedia data, exchanged by a communication apparatus and at least one data source connected through a communication network, said method performed at the communication apparatus and comprising:

a processor performing the steps of:

- enabling at least one request of at least a first class of requests, the enabling taking account of the multimedia data received from at least a second class of requests, the

requests of the second class being predictable in time (paragraphs 0045, 0049 and 0060).

Although Hijiri discloses assigning priorities to data referred to as channels, Hijiri does not explicitly disclose:

- dynamically allocating a priority to each of the enabled requests, in accordance with characteristics of said enabled requests.
- dynamically allocating a priority to each of the enabled requests of the second class in accordance with the time remaining until the next request of the second class.

Diedrich discloses a method and apparatus for multimedia data interchange with pacing capability in a distributed data processing system comprising:

- dynamically allocating a priority to each of the enabled requests, in accordance with characteristics of said enabled requests (abstract, col. 6, lines 11-36, lines 57-67, col. 7, lines 25-67 and col. 8, lines 1-34).
- dynamically allocating a priority to each of the enabled requests of the second class in accordance with the time remaining until the next request of the second class (abstract, col. 6, lines 11-36, lines 57-67, col. 7, lines 25-67 and col. 8, lines 1-34).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Hijiri by allocating priorities to data requests for the purpose of improving multimedia data and non-multimedia data interchanging within a distributed data processing system.

As per claims 2 and 8, Hijiri discloses:

- a step of deciding with regard to the transmission of at least one enabled request, according to the priority allocated to said request (paragraphs 0067-0069).

As per claims **3** and **9**, Hijiri further discloses:

- a step of updating the requests in at least a first class, the updating taking account of the multimedia data received from at least one request in at least a second class (paragraphs 0067-0069).

As per claims **4** and **10**, Hijiri discloses:

- wherein said communication apparatus and said data source are connected by a connection of the HTTP type (paragraphs 0108, 0111 and 0114).

As per claims **5** and **11**, Hijiri discloses:

- wherein the multimedia data are Flash animations (paragraph 0034).

As per claims **6**, **12**, **15** and **16**, Hijiri discloses:

- wherein said requests are associated with the animation of an object (paragraphs 0034-0036).

As per claims **17** and **20**, Hijiri discloses:

- wherein the multimedia data are image data compressed according to the JPEG2000 standard (paragraphs 0034-0036).

As per claim **18**, Hijiri discloses:

- wherein said requests are associated with one of the carrying out of a zoom, pan or change of quality on an image (paragraphs 0034-0036).

As per claim **19**, Hijiri discloses:

- wherein said request are associated with interactions between a user and an animation (paragraphs 0040 and 0079).

Response to Arguments

3. Applicant's arguments with respect to claims **1-13** and **15-20** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LASHONDA T. JACOBS whose telephone number is (571)272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaShonda T Jacobs/
Primary Examiner, Art Unit 2457

ltj
January 29, 2010

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